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VISA BULLETIN

Number 36

Volume VII

Washington, D.C.

IMMIGRANT NUMBERS FOR MAY 1994

16

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during May. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Immigration and Naturalization Service reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by April 7th in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date earlier than the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. The fiscal year 1994 limit for family-sponsored preference immigrants determined in accordance with Section 201 of the Immigration and Nationality Act (INA) is 226,000. The fiscal year 1994 limit for employment-based preference immigrants calculated under INA 201 is 143,213. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 27,845 for FY 1994. The dependent area limit is set at 2%, or 7,384. Effective with FY-1994, the 7% per-country limit applies to Hong Kong.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers".

Fourth: Certain Special Immigrants: 7.1%, not more than 5,000 of which to the Religious Workers described in INA Section 101(a)(27)(C)(ii)(II) and (III).

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targetted rural or high-unemployment area, and 300 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, DOMINICAN REPUBLIC, INDIA, MEXICO, and PHILIPPINES.

5. SPOUSES AND CHILDREN OF LEGALIZATION BENEFICIARIES: Section 112 of the Immigration Act of 1990 (P.L. 101-649) provides 55,000 immigrant visas during each of fiscal years 1992, 1993 and 1994 to spouses and children of persons legalized under the three programs established by the Immigration Reform and Control Act of 1986 (P.L. 99-603). The total available for each fiscal year must be reduced, however, by the extent to which immediate relative immigration in the previous year exceeds 239,000. The FY 1994 limit has been set under the law at 32,776. (This category is indicated below by the symbol "LB".)

6. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is earlier than the cut-off date listed below.)

PREFERENCES

<u>Family</u>	All Charge- ability Areas Except Those Listed	CHINA- mainland born	DOMINICAN REPUBLIC	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	01MAY93	12SEP85
2A*	01AUG91	01AUG91	01AUG91	01AUG91	24JUL91	01AUG91
LB*	01AUG91	01AUG91	01AUG91	01AUG91	01AUG91	01AUG91
2B	22NOV89	22NOV89	22AUG89	22NOV89	22NOV89	22OCT87
3rd	15MAR92	15MAR92	15MAR92	15MAR92	15JAN86	01JUN83
4th	22NOV84	22NOV84	22NOV84	17MAR83	01NOV82	20JUN77

*NOTE: For MAY, 2A numbers EXEMPT from per-country limit are available to applicants from all countries with priority dates earlier than 24JUL91. 2A numbers SUBJECT to per-country limit are available to applicants chargeable to all countries EXCEPT MEXICO with priority dates beginning 24JUL91 and earlier than 01AUG91. (2A numbers subject to per-country limit are "unavailable" for applicants chargeable to MEXICO.) Applicants qualified for the "LB" (Spouse/Child of Legalization Beneficiary) category whose priority date does not permit allocation of a "2A" number under the 2A cut-off dates above are eligible for an "LB" number as long as their priority date is earlier than 01AUG91.



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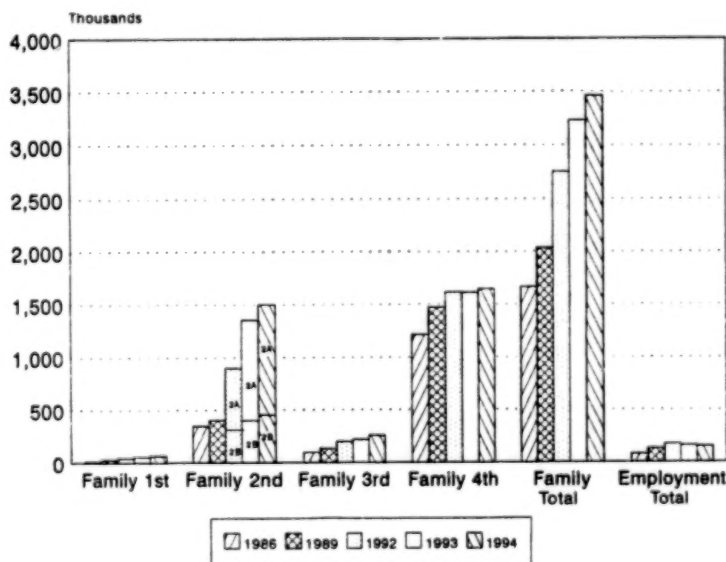
Washington, D.C.

IMMIGRANT VISA WAITING LIST
IN THE FAMILY-SPONSORED AND EMPLOYMENT-BASED PREFERENCES
AS OF JANUARY 1994

Most prospective immigrant visa applicants qualify for status under the law on the basis of family relationships or employer sponsorship. Entitlement to visa processing in these classes is established ordinarily through approval by the Immigration and Naturalization Service of a petition filed on the applicant's behalf. When such petitions are forwarded by INS to the Department of State, applicants in categories subject to numerical limit are registered on the visa waiting list by the office which is processing the case. Each case is assigned a priority (i.e., registration) date based on the filing date accorded to the petition. Visa issuance within each numerically limited category is possible only if the applicant's place on the waiting list has been reached, i.e., the case priority date is within the visa availability dates published each month by the Department of State. Family and employment preference applicants compete for visa numbers within their respective categories on a worldwide basis according to priority date; a per-country limit on such preference immigrants set by INA 202 places a maximum on the amount of visas which may be issued in a single year to applicants from any one country, however.

The Department of State periodically asks consular offices at which immigrant visa cases are registered (as well as the immigrant visa processing center at Rosslyn, Virginia) to report the totals of applicants on the waiting list in the various numerically-limited immigrant categories. Ordinarily such reports are submitted annually in January. (Visa Bulletin No. 23B, Vol. VII, contained a summary of last year's waiting list count.)

Immigrant Waiting List
By Category



The figures below have been compiled from the reports submitted to the Department in January 1994 and show the number of immigrant visa applicants on the waiting list in the various preferences and subcategories established under the Immigration Act of 1990. Provided for comparison are totals prepared following the January 1993 tabulation. All figures reflect persons registered under each respective numerical limitation, i.e., the totals represent not only principal applicants or petition beneficiaries, but their spouses and children entitled to derivative status under INA 203(d) as well.

<u>Category</u>	<u>January 1994 Totals (and % of total registrants)</u>	<u>January 1993 Totals</u>	<u>Increase/Decrease From 1993 Totals (and % of change)</u>
Family Prefs.:			
FAMILY FIRST	63,499 (1.8%)	54,779	+8,720 (+15.9%)
FAMILY SECOND			
Spouses/Children:	1,047,496 (29.0%)*	958,839*	+88,657 (+ 9.2%)
Adult Sons/ Daughters:	450,579 (12.5%)	391,816	+58,763 (+15.0%)
Pref. Total	1,498,075 (41.5%)	1,350,655	+147,420 (+10.9%)
FAMILY THIRD	257,110 (7.1%)	218,121	+38,989 (+17.9%)
FAMILY FOURTH	1,643,463 (45.5%)	1,611,715	+31,748 (+ 2.0%)
FAMILY TOTAL	3,462,147 (95.9%)	3,235,270	+226,877 (+ 7.0%)
Employment Prefs.:			
EMPL. FIRST	8,315 (0.2%)	6,882	+1,433 (+20.8%)
EMPL. SECOND	11,159 (0.3%)	18,682	-7,523 (-40.3%)
EMPL. THIRD			
Skilled Workers/ Baccalaureate Degree Holders:	30,735 (0.9%)	32,813	-2,078 (- 6.3%)
Other (i.e., Unskilled) Workers:	94,348 (2.6%)	95,362	-1,014 (- 1.1%)
Pref. Total	125,083 (3.5%)	128,175	-3,092 (- 2.4%)
EMPL. FOURTH	5,241 (0.1%)**	4,045**	+1,196 (+29.6%)
EMPL. FIFTH	176 (minimal)***	139***	+37 (+26.6%)
EMPL. TOTAL	149,974 (4.1%)	157,923	-7,949 (- 5.0%)
GRAND TOTAL	3,612,121 (100.%)	3,393,193	+218,928 (+ 6.5%)

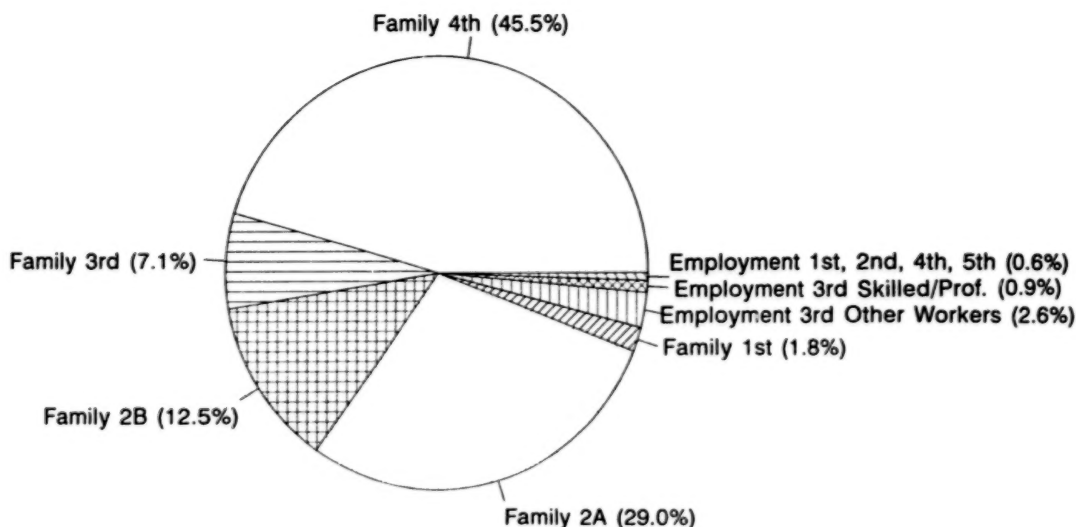
*of which, spouses/children of legalization beneficiaries:
1994: 853,382 (81.5% of Family 2A total); 1993: 739,774 (77.2%
of Family 2A total); increase over 1992 total: +113,608 (+15.4%)

**of which, certain religious workers in the classes established
under the Immigration Act of 1990: 1994: 1,823; 1993: 1,510

***of which, investors in targetted employment areas: 1994: 76; 1993: 17

Immigrant Waiting List

By Visa Category
January 1994



Since the 1993 count, all of the family-sponsored preference totals have increased, with the greatest addition in the second preference. The growth in registrations last year has been less than half the nearly half a million increase between the 1992 and 1993 counts, however. The single greatest element in that increase was petition filing for spouses and children by beneficiaries of the 1986 legalization programs, who had become permanent residents of the United States by the early 1990s and were then able to file second preference petitions. Such petition filings seem to have peaked in 1992, however. The total family preference waiting list this year is more than double what it was eight years ago.

The employment-sponsored preferences as a group show a decrease. This is not surprising, since the Labor Department has indicated that labor certification filings have dropped over the past few years. Further, with visas now immediately available in most employment preference categories (the "other worker" category being the one notable exception), qualified applicants are able to proceed to prompt final action on their cases and do not need to spend an extended period on the waiting list.

Immigrant visa issuances during fiscal year 1994 are limited by the terms of INA 201 to 226,000 in the family-sponsored preferences and to 143,213 in the employment-based preferences.

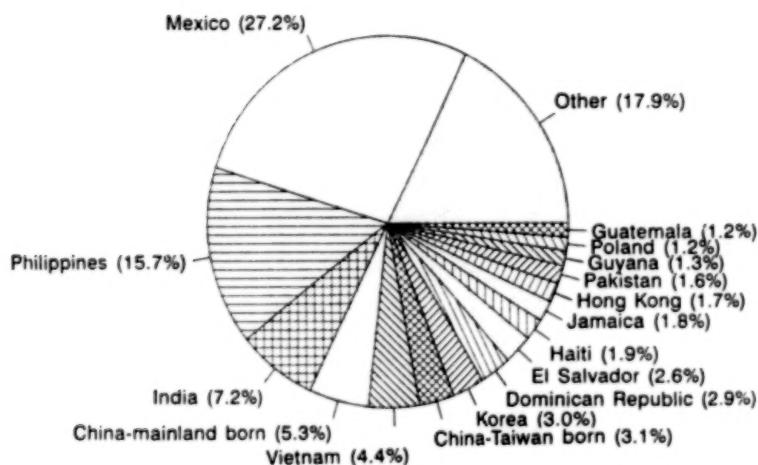
It should by no means be assumed that once an applicant is registered on the waiting list, the registration is then continually included in the waiting list totals unless and until a visa is issued. The consular procedures mandate a regular culling of visa cases to remove from the count those unlikely to see further action, so that totals are not unreasonably inflated. If, for example, a consular post receives no response within one year from an applicant to whom the visa application instruction letter (i.e., the consular "Packet 3" letter) is sent when the movement of the visa availability cut-off date indicates a visa may become available within a reasonable time frame, the case is considered "inactive" under the consular procedures and is no longer included in waiting list totals.

The sixteen countries/areas with the highest number of waiting list registrants are listed below; together these represent 82.1% of the total. This list includes all countries with at least 40,000 persons on the waiting list. Last year the same sixteen were also at the top of the listing by largest number of applicants, although the country order was a bit different. (The per-country limit in INA 202 sets an annual maximum on the amount of preference visas which may be issued to applicants from any one country; the 1994 per-country limit is 25,845.)

	1994 TOTAL	1993 TOTAL
MEXICO	983,966	856,228
PHILIPPINES	568,552	494,580
INDIA	260,188	258,646
CHINA-mainland born	192,291	188,533
VIETNAM	158,493	101,085
CHINA-Taiwan born	113,388	117,838
KOREA	108,869	124,355
DOMINICAN REPUBLIC	103,139	98,696
EL SALVADOR	91,799	95,093
HAITI	68,563	64,816
JAMAICA	64,352	67,992
HONG KONG	62,638	65,342
PAKISTAN	56,946	63,332
GUYANA	46,640	45,504
POLAND	43,023	42,661
GUATEMALA	42,450	47,319
All Others	646,824	661,173
Worldwide Total	3,612,121	3,393,193

Immigrant Waiting List By Country

January 1994



The greatest country increases in this year's count are reflected in the figures for Mexico (where the additional registrations are primarily close family members of legalization beneficiaries), Philippines (where several family preferences show higher figures) and Vietnam (where an increase is concentrated among siblings of U.S. citizens). The totals for many countries actually show a small decline. Mexico registrations alone account for about 57% of the net increase in this year's worldwide waiting list total.

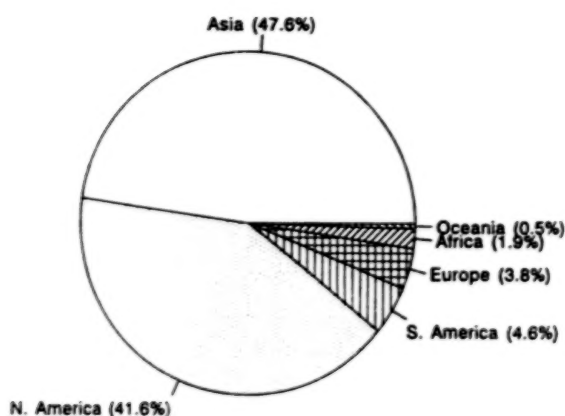
A breakdown of the worldwide waiting list by region is:

	Fam. Prefs. (% of Family Total)	Empl. Prefs. (% of Empl. Total)	Total (% of Total Waiting List)
Africa	63,606 (1.8%)	4,064 (2.7%)	67,670 (1.9%)
Asia	1,656,221 (47.8%)	63,685 (42.5%)	1,719,906 (47.6%)
Europe	122,713 (3.6%)	13,127 (8.7%)	135,840 (3.8%)
N. America*	1,450,492 (41.9%)	53,400 (35.6%)	1,503,892 (41.6%)
Oceania	16,035 (0.5%)	741 (0.5%)	16,776 (0.5%)
S. America	153,080 (4.4%)	14,957 (10.0%)	168,037 (4.6%)
Total	3,462,147 (100.%)	149,974 (100.%)	3,612,121 (100.%)

*North America includes Canada, Mexico, Central America and the Caribbean.

Immigrant Visa Waiting List

By Applicants' Region
January 1994



FAMILY-SPONSORED PREFERENCES

Family FIRST Preference:

The worldwide Family FIRST preference numerical limitation is 23,400. Visas are immediately available at present for applicants from all but two countries (Philippines and Mexico) which are oversubscribed on account of their heavy applicant demand. Waiting list details are:

<u>Country/Area</u>	<u>Fam. First Preference Total</u>	<u>Percent of Category Waiting List</u>
PHILIPPINES	49,381	77.8%
MEXICO	3,980	6.3%
Other Countries	<u>10,138</u>	<u>15.9%</u>
Total	63,499	100.0%

Under the terms of INA 202(e), immigrant numbers for oversubscribed countries are prorated among the various preferences. During FY 1994, there will be 1,638 Family FIRST preference numbers for Philippines. (This compares to 4,000 numbers annually under the former terms of INA 202(e).) For Philippines applicants, the cut-off date in this preference has advanced only about two and a half months during the past year, and the considerable visa demand in excess of the limit will permit very slow movement as far as can be foreseen. Philippines oversubscription has, moreover, become considerably greater during the past year, with the country total nearly 10,000 higher than a year ago. (Cases are added to the waiting list in this category not only by the approval of new FIRST preference petitions, but also through automatic conversion of pending 2B cases into FIRST preference upon the naturalization of the petitioner.) For Mexico, where more FIRST preference visas are available because of the fall-across to the category of unused Mexico employment preference numbers, the oversubscription of this category is at present less severe. For other countries, the preference should remain "current" for the near term, but the prospect of future oversubscription exists, particularly if large quantities of Family 2B cases move into the category following naturalization of petitioners.

Family SECOND Preference:

The total Family SECOND preference waiting list figure is 1,498,075. Of these, 1,047,496 (70%) are spouses and children of permanent residents of the United States (the 2A class), and 450,579 (30%) are adult sons/daughters of permanent residents (the 2B class). The Family SECOND preference waiting list has increased by 147,420 applicants in the past year. This is the greatest preference increase in terms of absolute numbers, and represents 65% of the entire worldwide family preference waiting list growth during the year.

The worldwide Family SECOND preference limit for FY 1994 is 114,200 plus unused FIRST preference numbers; 77% of this total are provided to "2A" spouses and children of permanent residents, while the remaining 23% go to "2B" adult sons and daughters of permanent residents.

2A: About 95,000 visa numbers are expected to be available to this applicant class during FY 1994. The countries with the highest 2A waiting list totals are:

<u>Country/Area</u>	<u>Family 2A Preference Total</u>	<u>Percent of Category Waiting List</u>
MEXICO	717,085	68.5%
EL SALVADOR	40,359	3.8%
HAITI	37,804	3.6%
DOMINICAN REPUBLIC	31,637	3.0%
INDIA	20,021	1.9%
GUATEMALA	18,785	1.8%
PHILIPPINES	16,988	1.6%
PAKISTAN	13,196	1.3%
Other Countries	<u>151,621</u>	<u>14.5%</u>
Total	1,047,496	100.0%

The 1990 Act has significantly added to the number of visas for the 2A class (issuances during FY 1994 will be close to 50% more than would have been possible under the former provisions of law), and has now virtually equalized the visa waiting period for applicants from all countries. (Previously, there had been substantially earlier cut-off dates for Mexico, Philippines and Dominican Republic applicants.) It is apparent, however, that even with the greater visa availability, the large and rapidly growing waiting list assures continued over-subscription in the foreseeable future, and the prospect of a lengthening delay between the filing of a petition and the applicant's turn for visa issuance being reached. Over the past year, the visa availability cut-off date for this applicant class advanced six months, and in view of the heavy concentration of applicants with 1991 and 1992 priority dates, even slower movement in the months ahead is likely.

As is clear from the section below, the major factor contributing to the greatly increased Family 2A visa demand is the filing of petitions for immediate family members by persons legalized under the terms of the Immigration Reform and Control Act of 1986, who began to be admitted to permanent residence in large numbers during 1989. (Leaving aside petitions filed by legalization beneficiaries, the Family 2A waiting list total is actually lower than a year ago.) Mexico cases represent 60% of Family 2A applicants with 1991 priority dates, 75% of 1992 registrations, and 71% of 1993 cases.)

Over the next few years, as the petitioners in 2A cases become eligible to apply for naturalization, some may become citizens and thus pending 2A petitions for their spouses and children would be converted automatically into the immediate relative visa category, which is not subject to numerical limit and for which, therefore, there is no waiting period. There is potential for a possible, indeed probable, major increase in immediate relative visas in coming years, therefore, with a corresponding drop in the Family 2A waiting list. It is not possible at present to quantify this prospect, however.

Spouses and Children of Legalization Beneficiaries: Separate and in addition to the Family 2A preference limit, the Immigration Act of 1990 includes a transition provision which authorizes up to 55,000 visas in each of FYs 1992, 1993 and 1994 for spouses and children of those permanent residents who acquired status through the legalization programs established under the Immigration Reform and Control Act of 1986. The 1994 numerical limit calculated for this category is actually 32,776, under the offset provision which factors last year's immediate relative immigration into the determination.

Of the 1,047,496 applicants registered in the 2A category, 853,382 (81.5%) have been identified as spouses and children of legalization beneficiaries, and as such they are entitled to status this year under both the Family 2A classification

and this "LB" transition provision, with visa issuance determined by the category in which a visa first becomes available for their priority date. Countries with the highest number of applicants entitled to status under the transition provision are:

<u>Country/Area</u>	<u>"LB" Cat. Applicant Total</u>	<u>Percent of Category Waiting List</u>
MEXICO	675,626	79.2%
EL SALVADOR	34,293	4.0%
HAITI	26,277	3.1%
GUATEMALA	15,689	1.8%
INDIA	13,052	1.5%
DOMINICAN REPUBLIC	10,645	1.3%
Other Countries	<u>77,800</u>	<u>9.1%</u>
Total	853,382	100.0%

Since persons from Mexico comprised about three-quarters of the legalization beneficiaries, it is not surprising to find that most of the spouses/children for whom such beneficiaries subsequently filed immigration preference petitions are from that country.

Since 1992, the transition provision has helped to reduce the pressure on the Family 2A category by providing additional visas for this major applicant component. The phase-out of the transition provision within a few months will in effect reduce the annual visa issuance to spouses and children of permanent residents, with the inevitable result an even slower rate of advance in the Family 2A cut-off date.

2B: Visa numbers for this class of adult sons and daughters are expected to total about 28,500 during FY 1994, about one-third fewer than might have been available under the former terms of the law. The waiting list far exceeds the annual limit. Applicant totals are:

<u>Country/Area</u>	<u>Family 2B Preference Total</u>	<u>Percent of Category Waiting List</u>
MEXICO	84,067	18.7%
DOMINICAN REPUBLIC	48,671	10.8%
PHILIPPINES	43,887	9.8%
CHINA-mainland born	21,701	4.8%
EL SALVADOR	20,429	4.5%
JAMAICA	20,179	4.5%
HAITI	18,489	4.1%
INDIA	15,898	3.5%
GUYANA	14,450	3.2%
CHINA-Taiwan born	10,482	2.3%
KOREA	10,457	2.3%
Other Countries	<u>141,869</u>	<u>31.5%</u>
Total	450,579	100.0%

The combination of the reduced numerical limit for this visa category under the terms of the Immigration Act of 1990, and the growing applicant demand indicated by the substantially greater waiting list (up more than 58,000 in the past year) means slow movement of this visa cut-off date and an increasingly long wait for a 2B visa. The worldwide Family 2B cut-off date has advanced only about six weeks during the past year and the pace of movement is unlikely to increase very significantly in the foreseeable future.

Family THIRD Preference:

The annual visa limit is 23,400 compared with 27,000 under the former provisions of law. Two oversubscribed countries (Philippines and Mexico) have sufficiently heavy demand in this preference to require a cut-off date earlier than the worldwide date. Countries with highest registrations are:

<u>Country/Area</u>	<u>Fam. Third Preference Total</u>	<u>Percent of Category Waiting List</u>
PHILIPPINES	143,987	56.0%
MEXICO	35,373	13.8%
POLAND	13,943	5.4%
Other Countries	<u>63,807</u>	<u>24.8%</u>
Total	257,110	100.0%

The Family THIRD preference waiting list grow by almost 39,000 (nearly 18%) during the past year. More than three-quarters of the increase was in the Philippines; under the visa prorating provisions of INA 202(e), annual issuances for that country are limited to 1,638, however. The greater applicant demand in this category makes likely a gradually lengthening wait for a visa in the years ahead.

Family FOURTH Preference:

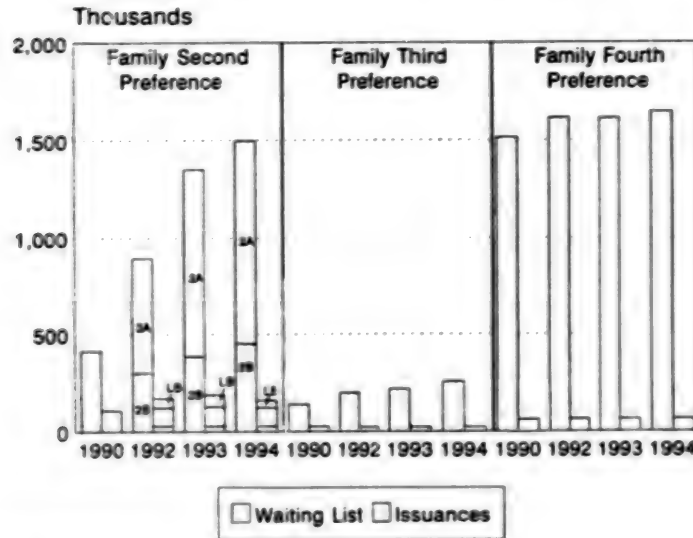
Applicants registered in the Family FOURTH preference total 1,643,463, which is the largest single element of the waiting list. Annual visa issuances are limited to 65,000. Because of the very heavy demand concentrated in this preference, the wait for a visa is longer than in any other category. The countries listed below have the largest number of FOURTH preference applicants:

<u>Country/Area</u>	<u>Fam. Fourth Preference Total</u>	<u>Percent of Category Waiting List</u>
PHILIPPINES	292,693	17.8%
INDIA	213,593	13.0%
CHINA-mainland born	148,909	9.1%
MEXICO	136,592	8.3%
VIETNAM	130,760	7.9%
CHINA-Taiwan born	95,119	5.8%
KOREA	77,247	4.7%
HONG KONG	52,648	3.2%
PAKISTAN	35,819	2.2%
Other Countries	<u>460,083</u>	<u>28.0%</u>
Total	1,643,463	100.0%

Philippines and Vietnam had the most significant increases in this visa category during the past year. Many countries in fact showed a drop in total Family FOURTH preference applicants. Perhaps the steadily growing waiting period, now approaching ten years for countries of most favorable visa availability and even longer for some oversubscribed countries, is discouraging new petition filing. The huge waiting list assures that the cut-off dates in this preference are likely to continue to move slowly. Estimated FY 1994 Family FOURTH preference visa issuances under the per-country limit for the three countries with the earliest cut-off dates are: Philippines 4,550; India 9,000; Mexico 6,500. A comparison of these figures with their waiting list totals illustrates the extent of oversubscription and the inevitable very slow progress expected in the cut-off dates.

Immigrant Waiting List vs. Issuances

Family 2nd, 3rd, and 4th Preferences



EMPLOYMENT-BASED PREFERENCES

The employment-based categories were extensively revised by the 1990 Act and the numerical limits were considerably increased, from a total of 54,000 for the former third and sixth preferences to at least 140,000 for the entire new series of employment preferences. Before the provisions of the 1990 Act took effect, the former third and sixth preferences had been oversubscribed; for most countries, the Employment FIRST and SECOND preferences and the skilled worker/professional segment of THIRD preference became "current" in October 1991 and remain so. With Employment preference visas readily available for most qualified applicants (except for those in the Other (i.e., Unskilled) Worker category) and with new labor certification filings down in recent years, it is not surprising that the Employment waiting list total has in fact declined since last year's count. It is important to note that more than half of all Employment preference immigrants are adjustment of status cases at INS offices. Cases pending with INS are not counted in the consular waiting list tally. Thus, in several Employment preference categories the waiting list understates the actual immigrant demand.

Employment FIRST Preference:

As of January, registrations in this category were 8,315 against a FY 1994 limit of 40,959 (28.6% of 143,213), plus any unused numbers from the Employment FOURTH and FIFTH preferences, which fall "up" to FIRST. Visa availability is "current" for all countries. During FY 1993, 21,632 numbers were used in this preference; FY 1994 number use is likely to be close to that figure, with about half of Employment FIRST preference numbers falling to the SECOND preference. The country with the largest number of applicants currently on the FIRST preference waiting list is Canada, with 1,152 (13.9% of the worldwide total).

Employment SECOND Preference:

The FY 1994 visa limit is 40,959 plus unused numbers from the FIRST preference. The waiting list as of January 1994 is down 40% from the 18,682 counted last year, and 66% from the 32,452 of January 1992. The totals in those years consisted primarily of former third preference cases automatically carried into this category when the 1990 Act took effect. The preference has been "current" for most countries since October 1991 and, with more visas issued than new petitions approved, the size of the waiting list has diminished. Consular registration figures show only three countries with more than 1,000 applicants on the SECOND preference waiting list:

<u>Country/Area</u>	<u>Empl. Second Preference Total</u>	<u>Percent of Category Waiting List</u>
PHILIPPINES	2,839	25.5%
INDIA	1,674	15.0%
CHINA-mainland born	1,020	9.1%
Other Countries	<u>5,626</u>	<u>50.4%</u>
Total	11,159	100.0%

This category is "current" at present for all chargeabilities. The preference is likely to remain "current" in the foreseeable future, with total FY 1994 number use expected to be perhaps slightly more than half the 29,415 numbers used in FY 1993.

Employment THIRD Preference:

The preference is entitled to 28.6% of the 143,213 FY 1994 Employment numbers, i.e., 40,959, plus the unused numbers from the category above. INA 203(b)(3)(B) specifies that no more than 10,000 of these numbers may be provided to applicants in the "Other (i.e., Unskilled) Worker" subcategory, however.

The Employment THIRD preference waiting list components for "Skilled Workers" (i.e., at least two years of training or experience required for labor certification) and "Professionals with Baccalaureate Degree" total 30,735 (25% of all registrations in the preference), down by about 2,000 (6.3%) from last year's total. Again, this is not surprising since the category is "current" for all but two chargeabilities at the present time. Countries with the highest number of such applicants are:

<u>Country/Area</u>	<u>Empl. Third Preference: Skilled Wkr/ Professional Components</u>	<u>Percent of Waiting List in These Classes</u>
PHILIPPINES	10,679	34.7%
KOREA	1,913	6.2%
CHINA-mainland born	1,709	5.6%
INDIA	1,359	4.4%
CHINA-Taiwan born	1,155	3.8%
IRAN	883	2.9%
MEXICO	831	2.7%
CANADA	758	2.5%
Other Countries	<u>11,448</u>	<u>37.2%</u>
Total	30,735	100.0%

While the figures for most countries are lower this year than last, the Philippines total has increased by more than 5,000.

Other Workers: Applicants within this segment of the Employment THIRD preference amount to 94,348, i.e., 63% of the entire Employment preference waiting list, and about 75% of the THIRD preference total. The figure includes not just the workers themselves, but (as in all other preference categories) derivative spouses and children as well, who are entitled to the same status and order of consideration as the principal under INA 203(d). As noted above, the annual limit set by law for issuances to this component of THIRD preference is 10,000. It is the one element within the Employment preferences which has been consistently oversubscribed. The Other Worker applicant total has dropped by about 1,000 (1%) over the past year, perhaps in part because the long wait for a visa in the category has helped to discourage new cases. Countries with the most registrations are:

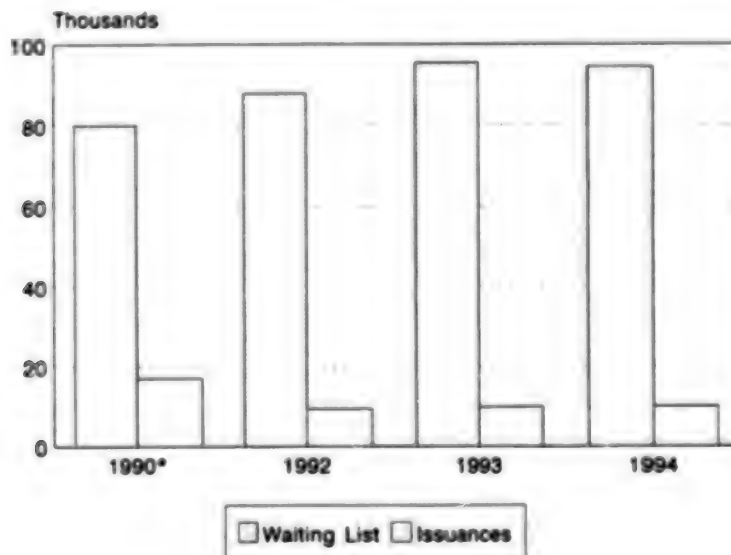
Country/Area	Empl. Third Preference: Other Worker Component	Percent of Waiting List in This Class
EL SALVADOR	15,530	16.5%
KOREA	11,018	11.7%
TRINIDAD AND TOBAGO	7,599	8.0%
PHILIPPINES	6,332	6.7%
GUATEMALA	5,679	6.0%
MEXICO	5,655	6.0%
JAMAICA	3,602	3.8%
CHINA-mainland born	2,622	2.8%
Other Countries	36,311	38.5%
Total	94,348	100.0%

The estimated total number use in the Employment THIRD preference during FY 1994 will probably be about 62,000. (This includes about 12,000 adjustments of status for beneficiaries of the Chinese Student Protection Act; the application period for benefits under the CSPA began on July 1, 1993 and will end on June 30, 1994. CSPA cases, even though placed by law within the worldwide Employment THIRD preference numerical limitation, are processed by INS under special rules of entitlement, and are not reflected in the waiting list figures.) In view of the anticipated fall into this preference of many thousands of numbers from above, visas can be expected to remain "current" in the immediate future for most applicants within the "Skilled Worker" and "Professional" components.

The notable exceptions are allocations for Philippines and China. Philippines registrations are considerably in excess of the visas available annually under the country limit; a slow-moving visa cut-off date is in prospect for the foreseeable future. In the China-mainland born chargeability, several thousand spouses and children of Chinese Student Protection Act beneficiaries are likely to "follow-to-join" the principals in the year ahead; the added visa demand (not reflected in the waiting list total above) is likely to assure continued oversubscription of China Employment THIRD preference numbers for the immediate future.

In the "Other Worker" subcategory, where visa demand is already so much in excess of the annual limit, slow forward movement of the cut-off date is expected.

Immigrant Waiting List vs. Issuances
"Other Workers"



*1990 figures are estimates

Employment FOURTH Preference:

The worldwide FY 1994 visa limit (7.1% of 143,213) is 10,168 in this preference. Only 5,241 applicants were counted in the January 1994 waiting list tally, 1,823 of whom in the classes for "certain religious workers" established under INA 101(a)(27)(C)(ii)(II) and (III). Perhaps 6,400 immigrant numbers within this preference are expected to be used during FY 1994, about 2,300 of which for "certain religious workers". (Note that under the current terms of the INA, the visa provisions for "certain religious workers" are due to expire as of September 30, 1994.)

The preference should remain "current" for applicants from all countries other than Philippines. Under prorating, the Philippines Employment FOURTH preference is entitled to 712 numbers for FY 1994 and visa demand, particularly from former U.S. government employees, is likely to remain in excess of that limit. The Philippines waiting list for this preference is 1,620 (30% of the worldwide total). Any unused FOURTH preference numbers fall up to Employment FIRST preference.

Employment FIFTH Preference:

The FY 1994 limit is 10,168. There are 176 applicants currently registered on the visa waiting list, 76 of whom are investors in "targetted areas". The three chargeabilities with the greatest number of registrants (China-Taiwan born: 62; China-mainland born: 33; and Hong Kong: 27) together represent 69% of registrants. (As noted above, cases being processed by INS for adjustment of status are not included in the consular waiting list count.)

During FY 1993, 596 Employment FIFTH preference numbers were used. Visas are available at present for all applicants; the current estimate is that about 500 numbers will be used this year. Any unused numbers from this annual limit fall up to Employment FIRST preference.

<u>Employment- Based</u>	All Charge- ability Areas Except Those Listed	CHINA- mainland born	DOMINICAN REPUBLIC	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C
2nd	C	C	C	C	C	C
3rd	C	01JUL93	C	C	C	22AUG92
Other Workers	15APR88	15APR88	15APR88	15APR88	15APR88	15APR88
4th	C	C	C	C	C	22FEB93
Certain Religious Workers	C	C	C	C	C	22FEB93
5th	C	C	C	C	C	C
Targetted Employ- ment Areas/ Regional Centers	C	C	C	C	C	C

Chinese Student Protection Act: C (Applications for adjustment of status under this legislation may be filed regardless of visa number availability.)

The Department of State has available a recorded message with visa availability information which can be heard at: (area code 202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

B. TRANSITION IMMIGRANT (AA-1) CATEGORY FOR NATIVES OF CERTAIN "ADVERSELY AFFECTED" FOREIGN STATES

Section 132 of the Immigration Act of 1990 (P.L. 101-649) provides 40,000 immigrant visas during each of fiscal years 1992, 1993 and 1994 for natives of certain countries which had been identified as "adversely affected" for purposes of the "NP-5" immigrant program established under Section 314 of the Immigration Reform and Control Act of 1986 (P.L. 99-603). At least 40 percent of AA-1 numbers are designated for natives of the country which received the greatest number of visas under the NP-5 program (i.e., Ireland). Any numbers unused in fiscal year 1993 will be added to the fiscal year 1994 limitation.

For May, immigrant numbers in the AA-1 category are available to qualified applicants chargeable to IRELAND on a "CURRENT" basis.

For May, AA-1 numbers for ALL OTHER qualifying countries have been made available to applicants with lottery rank numbers lower than:

16,000

AA-1 allocations for countries OTHER THAN Ireland may be "current" for June and/or July. It is very possible that all such AA-1 numbers could be used as early as July, however. If that happens, non-Ireland AA-1 numbers would be "unavailable" for August and September. Allocations for Ireland are expected to remain "current" for the foreseeable future, but applicants cannot take for granted that they will remain so through the end of FY-1994. Future AA-1 visa availability will depend entirely on the amount of documentarily qualified

applicants ready for visa numbers in each particular month. The AA-1 program expires on September 30, 1994, but AA-1 visa issuance could end even before that date if all numbers are used sooner. Registered applicants who do not obtain visas while numbers are available will lose the benefit of their AA-1 registration.

All AA-1 cases should be brought to final action as expeditiously as possible. Applicants cannot assume that AA-1 numbers will be available through the end of September.

C. CHINA-mainland born Employment Third Preference Visa Availability

The visa cut-off date for the CHINA-mainland born Employment Third Preference category, which had been July 2, 1993, has retrogressed one day to July 1, 1993. Only applicants with priority dates earlier than that cut-off are currently eligible for visa number allocation.

This retrogression results from the very heavy demand for numbers by CHINA-mainland born applicants (primarily at INS offices) entitled to derivative status as "following-to-join" spouses/children of principals who had adjusted status under the Chinese Student Protection Act (CSPA). CSPA principals are exempt from the per-country visa limit set by INA 202 and, therefore, are not subject to the CHINA-mainland born cut-off date. Following-to-join derivative applicants do not benefit from such per-country limit exemption, however. Those who come within the CHINA-mainland born chargeability must be allocated numbers under that Employment Third Preference limit. The most common priority date for CSPA applicants is July 1, 1993. During the first two and a half weeks of March, about 3,100 CHINA-mainland born Employment Third Preference numbers were allocated to CSPA derivatives with July 1, 1993 priority dates, and the numbers available for allocation to such cases were temporarily exhausted. The result has been the retrogression of the cut-off date. It is expected that this cut-off date may move forward again toward the end of Fiscal Year 1994. The heavy concentration of applicants with early July 1993 priority dates means that, for the foreseeable future, when advances do occur they will be in small increments.

VISA BULLETIN SUBSCRIPTION AND CHANGE OF ADDRESS INFORMATION: Additions or changes to the mailing list should be sent to: Visa Bulletin, Visa Office, Department of State, Washington, D.C. 20522-0113. Only addresses within the U.S. postal system may be placed on the mailing list. Please include a recent mailing label when reporting changes or corrections of address; the Postal Service does NOT automatically notify the Visa Office of address changes.

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